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REMARKS

One paragraph of the specification has been amended in minor respects to change "gear ratio" to "transmission ratio," and to correct a reference numeral.

Claims 1 and 2 have been amended to further recite the inventive subject matter.

All the claims were rejected as obvious based upon a combination of the disclosures of the Friedmann '994 and the Cote et al. '848 references. The Friedmann reference discloses a continuously variable transmission but, as acknowledged by the examiner, it does not disclose a sensor for detecting the speed of the endless torque-transmitting means that passes around pairs of spaced conical disks. The Cote et al. reference was cited for showing a speed sensor 22 associated with a derailleur of a bicycle that is driven by a drive chain.

With regard to the Cote et al. reference, it should at first be noted that it does not relate to a continuously variable transmission having the structure as herein claimed and in which the axial spacing of respective pairs of conical disks can be inversely changed to change the transmission ratio. Furthermore, the Cote et al. reference does not disclose or even suggest an arrangement whereby the linear speed of an endless torque-transmitting means is detected. Instead, it discloses an entirely different structural arrangement, one for sensing the angular speed of a sprocketed jockey wheel 29 that includes circumferentially arranged magnets embedded in the wheel. The jockey wheel does not shift laterally to cause the endless torque-transmitting means to shift position as in a continuously variable transmission. Additionally, the Cote et al. sensor is not positioned

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opposite to and facing the endless torque-transmitting means that is shown as a sprocket chain, and it does not interact with the chain. Instead, the Cote et al. sensor is positioned spaced some distance away from the sprocket chain, and it is opposite to and facing the magnet-carrying jockey wheel, not opposite to and facing the endless torque-transmitting means. Thus, the Cote et al. reference does not disclose or even suggest a structural arrangement such as that claimed in amended claim 1.

Claims 2 through 12 each depend from claim 1, either directly or indirectly, and therefore the same distinctions as are noted above in connection with amended claim 1 apply with equal effect to each of those dependent claims. Moreover, the dependent claims contain additional recitations that further distinguish the invention as so claimed from the teachings of the references that were relied upon.

In addition to the fact that neither of the references relied upon by the examiner individually shows or suggests the claimed arrangement, even if they were to be combined, the combination does not show or suggest the claimed arrangement. As noted above, neither of the references discloses or suggests a sensor positioned opposite to and facing an endless torque-transmitting means for detecting the linear speed of the endless torque-transmitting means as it passes the sensor. And because both references lack a disclosure of that arrangement, the combination also lacks such a disclosure.

Furthermore, the references relied upon relate to vastly different structures, one involving an automotive-type continuously variable transmission

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and that operates differently from the other, which involves a bicycle drive system. It is suggested that one faced with a problem in the automotive transmission art would not be led to the bicycle art for a solution to that problem – the structures involved in each instance are completely different. And, very significantly, because of the vastly different structures disclosed in the two references, the references themselves contain no disclosures that would motivate one to even attempt their combination. Only by some hindsight guidance gleaned from knowledge of what is contained in the present disclosure would one even consider the disparate references that were relied upon. But it is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught. Thus, the invention as claimed in claim 1 is directed to an invention that is not obvious from the teachings of the references relied upon.

Although one could assert broadly, as the examiner has done, that there exists a motivation to make a combination of particular references in a particular way, such a mere broad assertion is insufficient. In that regard, for there to be a sufficient showing of a motivation to combine the teachings of references, that motivation must be supported by referring to some relevant and identifiable source of information that would provide the necessary motivation. The mere existence of particular elements in different references is not sufficient. And conclusory statements of possible advantages that would lead one to combine the teachings of several references, and assumptions of what an ordinarily skilled


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person would or would not do, are by themselves inadequate to support a conclusion that there exists a motivation to combine references in a particular way. Consequently, the mere assertion of a subjective possible convenience that might be achieved by combining the teachings of different references is insufficient to support a conclusion of motivation to combine and of obviousness of a claimed combination.

Based upon the foregoing amendments and remarks, claims 1 through 12 as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Reconsideration and reexamination of the application is respectfully requested with a view toward the early issuance of a Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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